

REMARKS

Claims 1-4, 6, 7, 9-15 are pending in the present application. Applicants note with appreciation the indication of allowable subject matter with respect to claims 3, 14 and 15. Applicants herewith submit a request for continued examination pursuant to 37 C.F.R. § 1.114 with this Amendment as the accompanying submission. With entry of this Amendment, Applicants amend claims 1, 4, 6, 7 and 9-13. Reexamination and reconsideration are respectfully requested.

IDS

Applicants submitted an IDS on September 22, 2005. The IDS included a translated Office Action and seven references listed on form PTO-1449. The present Office Action does not indicate whether the Examiner has considered these references. Applicants respectfully request that the Examiner consider the IDS. To that end, Applicants are submitting a copy of the IDS submitted on September 22, 2005, a copy of a returned postcard for the submission showing receipt by the PTO and a copy of the translated Office Action and the seven references.

Applicants are also submitting herewith a separate IDS. The IDS includes a translated Office Action dated December 13, 2005 and one reference. Applicants respectfully request that the Examiner consider this IDS as well.

Interview

Applicants note with appreciation the courtesy of the Examiner during a telephonic interview on March 16, 2006.

As discussed during the interview, the present invention, as set forth in claim 1, is directed to a communication terminal apparatus. The terminal apparatus comprises a display for receiving a musical tone data distributing service. The terminal apparatus receives display data for forming the display from the server apparatus and then stores it. The terminal apparatus then carries out, based on the previously stored display data, at least part of the display for receiving the musical tone data distributing service. That is, once the display data is stored, the display for receiving the

musical tone data distributing service can be subsequently generated without accessing the server. This eliminates the need to a download display data (such as relating to a search screen) each time the user accesses the service.

Claim 1, as previously amended, recites “wherein at least a part of the display provided by said display device is carried out based on the display data stored in advance in said storage device, according to a predetermined program executed by said program executing device, without the communication terminal apparatus being connected to the server apparatus.” With this amendment, the last phrase of this recitation has been amend to “without the communication terminal accessing the server apparatus.”

Rejection under § 112, first paragraph

The Examiner rejected claims 1-4, 6, 7 and 9-15 under 35 U.S.C. § 1112, first paragraph, based on the last phrase of the wherein recitation, i.e., “without the communication terminal apparatus being connected to the server apparatus.” He cited to the specification at page 16, lines 17-20 that explains the communication terminal apparatus being connected to the server apparatus.

As the Examiner has correctly noted, the specification describes the communication terminal apparatus being connected to the server. Such a connection is used, in the case of claim 1, to obtain display data for storage. The terminal then uses the stored display data to generate at least part of the display for receiving the musical tone data distributing service. By relying on the previously stored data, the display can be generated without needing to access the server each time to obtain such display data. Thus, Applicants added the phrase “without . . . being connected to the server apparatus” to the recitation relating to the use of previously stored display data to further emphasize that at least part of the display is based on previously stored display data, i.e., not by accessing the server. It is believed that this phrase is not inconsistent with the specification’s description of the communication terminal apparatus being connected to the server as described above. Accordingly, Applicants respectfully request that the Examiner withdraw the objection to the specification and the rejection of the claims under § 112, first paragraph.

Although Applicants believe that the wherein recitation is fully supported by the specification, Applicants have amended the wherein recitation to recite “without the terminal apparatus accessing the server apparatus.” The word “accessing” is used to clearly emphasize that at least part of the display is generated through the use of previously stored data and without accessing the server. Claims 4, 6, 7 and 9-13 have been similarly amended.

Rejection under § 102(e)

The Examiner rejected claims 1, 2, 4, 6, 7 and 9-13 under § 102(e) as being anticipated by Futamase et al. (US 2004/0007120 A1). The rejection is respectfully traversed.

Applicants respectfully submit that Futamase fails to disclose the above wherein recitation. Futamase discloses a portable telephone-base station arrangement in which the portable telephone can download data from the base station. In the embodiment described at paragraph 0014 and cited by the Examiner, the portable telephone can operate as a karaoke machine. A user uses the portable telephone to connect to the base station and to select a song for karaoke. The music and word data for the song are then downloaded to the portable telephone’s storage. A user can then hear the music and see the words on the display to perform karaoke.

The Examiner cites to the display of the word data as disclosing previously stored display data that forms at least part of the display. However, claim 1 recites that the previously stored display data is used to generate “at least a part of the display *for receiving the musical tone distributing service . . .*” That is, the display data creates a display for receiving a service. The word data stored on the portable telephone of Futamase is not used to create a display for receiving a service. It is data obtained from a base station, but it is not used as display data for receiving a service. Accordingly, Applicants respectfully submit that claim 1 is not anticipated by Futamase.

Claim 2 which depends from claim 1 is likewise not anticipated by Futamase for at least the reasons set forth above. Independent claims 6, 9, 11 and 12 are likewise not anticipated by Futumase for at least the reasons set forth above with respect to claim 1.

Independent claims 4, 7, 10 and 13 are likewise not anticipated by Futumase for at least the reasons set forth above with respect to claim 1. Indeed, Applicants note that claims 4, 7 and 10 recite that the "search screen" is displayed based on previously stored display data. There is no disclosure or suggestion in Futumase that the downloaded data – e.g., the song data, word data or video data – are for a "search screen." Similarly, independent claim 13 recites a "display screen" displayed based on previously stored display data.

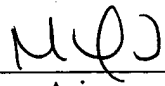
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032030000.

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Respectfully submitted,

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